

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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M.G., *et al.*,

Plaintiffs,

ORDER

-against-

19 Civ. 639 (CS) (AEK)

ANDREW CUOMO, *et al.*,

Defendants.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

The Court has reviewed the parties' joint submission at ECF No. 313. As of the filing of that letter on September 13, 2023, no disputes were yet ripe for the Court's consideration. At this point, however, the Court expects that the issues identified have progressed further.

Accordingly, by October 20, 2023, the parties must provide a further status report to the Court to address: (1) whether Plaintiffs have, in fact, served additional discovery demands, and if so, when Defendants' responses to those demands are due; (2) whether the parties have reached agreement as to any potential scope of the additional discovery contemplated by Plaintiffs, or as to the parameters of any potential extension of the scheduling order; (3) whether the parties have continued to engage in settlement negotiations as to particular aspects of the case, and whether a partial stay of discovery is warranted to facilitate those discussions; and (4) any other issues that the parties believe should be addressed.

Having reviewed the parties' positions on the potential discovery dispute regarding certain representative additional records, the Court finds it worth noting that: (1) the negotiated global schedule for completion of discovery certainly does not preclude Plaintiffs from seeking further discovery; and (2) at the same time, it is not clear why Plaintiffs did not identify this

additional significant category of documents for potential production either during those global negotiations, or shortly after receiving the original production of unredacted censuses in October 2022.

If Plaintiffs have already requested—or are committed to requesting—a large volume of additional documents, all parties should understand that the Court recognizes that discovery is an iterative process and that supplemental document demands are not uncommon, but also must account for the fact that this case has been pending for nearly five years, and any potential extension of discovery deadlines necessarily would require consideration of the substantial time devoted to discovery already and the volume of discovery that has taken place so far. If the parties are not able to reach a compromise as to a path forward on this pending issue, it is quite possible that neither party will be satisfied with the course that the Court would chart if presented with this as a dispute.

Dated: October 13, 2023
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge